

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 23-cv-22376-KMW-LMR

THE SMILEY COMPANY SPRL,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A,"

Defendants.

**PLAINTIFF'S MOTION TO EXTEND *EX PARTE*
TEMPORARY RESTRAINING ORDER AND RESCHEDULE
HEARING ON MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff, CreeLED, Inc. ("Plaintiff"), by and through its undersigned counsel and pursuant to Fed. R. Civ. P. 62(b)(2) and S.D. Fla. L.R. 7.1, respectfully moves for an order extending the Court's Sealed Order Granting Application for Entry of Temporary Restraining Order [ECF No. 14] and rescheduling the presently scheduled August 14, 2023, hearing on Plaintiff's Motion for Preliminary Injunction, and in support states as follows:

1. On July 31, 2023, this Court issued its Sealed Order Affirming and Adopting the Magistrate Judge's Report and Recommendation Granting Plaintiff's Motion for Entry of Temporary Restraining Order (the "TRO"). [ECF No. 14]. Through this Order, the Court scheduled the hearing on Plaintiff's request for entry of a preliminary injunction for August 14, 2023, at 10:00 a.m. [*Id.* at p. 2].

2. On August 9, 2023, undersigned counsel served most of the Defendants identified on Schedule A to the Complaint with copies of the Complaint, Summons, and TRO for this case. However, Plaintiff had yet to receive the appropriate contact information from Third-Party Provider, Etsy, for other of the Defendants identified on Schedule A to the Complaint. Undersigned counsel requested the additional contact information for these remaining Defendants from Third Party provider, Etsy, early this morning, and should receive this information within the few days. Declaration of Javier Sobrado (“Sobrado Decl.”) at ¶ 3.

3. Due to the foregoing circumstances, Plaintiff does not believe that it will be able to provide all Defendants with sufficient service and notice of these proceedings in advance of the Court’s presently scheduled August 14, 2023, hearing.

4. Pursuant to Federal Rule 65, this Court may issue a temporary restraining order for a period of fourteen (14) days, and “for good cause shown,” may extend a temporary restraining order for a “like period” of time. Fed. R. Civ. P. 65(b)(2). Here, because Plaintiff will not be in a position to provide all the Defendants with proper service and notice of these proceedings prior to the preliminary injunction hearing currently set forth in the TRO, good cause exists for an extension of the TRO.

WHEREFORE, Plaintiff respectfully requests that 1) the preliminary injunction hearing is rescheduled at a date and time following August 14, 2023; and 2) the TRO is extended to remain in effect until after the conclusion of the rescheduled preliminary injunction hearing.

Date: August 10, 2023

Respectfully submitted by,

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